

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	8:10CR422
Plaintiff,)	
)	
vs.)	ORDER
)	
MAGNO ARTEAGA-MARROQUIN,)	
)	
Defendant.)	

This matter is before the court on the motion to continue by defendant Magno Arteaga-Marroquin (Arteaga-Marroquin) (Filing No. 21). Arteaga-Marroquin seeks a continuance of the trial of this matter which is scheduled for January 24, 2011. Arteaga-Marroquin's counsel has represented to the court that Arteaga-Marroquin will submit an affidavit wherein Arteaga-Marroquin represents that he consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Arteaga-Marroquin seeks a continuance to on or after April 18, 2011. Upon consideration, the motion will be granted in part.

IT IS ORDERED:

1. Arteaga-Marroquin's motion to continue trial (Filing No. 21) is granted in part.
2. Trial of this matter is re-scheduled for **March 25, 2011**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **January 19, 2011, and March 25, 2011**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's counsel require additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 19th day of January, 2011.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge